

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Martin S. Gottesfeld, <u>pro se</u> , Plaintiff - against - Hugh J. Hurwitz, et al., Defendants

Case No.: 18-cv-10836-PGG-GWG

NOTICE OF DELAY OF FILINGS

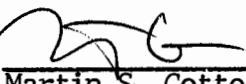
Plaintiff Martin S. Gottesfeld (herein the "plaintiff"), acting pro se, hereby notifies The Honorable Court that agents of both the instant defendants and their common counsel are further delaying the plaintiff's filings in the instant case through their deliberate violations of Constitutional Equal Protection and 28 C.F.R. §§ 543.11(b) and 543.11(h).

In support of this motion, the plaintiff herewith-provides and respectfully directs The Court's attention to Exhibit 1 hereto, Declaration of Martin S. Gottesfeld.

The plaintiff notes Dugar v. Coughlin, 613 F. Supp. 849, 853-54 (S.D.N.Y. 1985), and that as opposed thereto, the instant plaintiff is now denied even the ability to pay for court-related photocopies absent a court order.

Respectfully filed in accordance with the prison-mailbox rule of Houston v. Lack, 487 U.S. 266 (1988), by mailing to The Court in an envelope bearing sufficient affixed pre-paid first-class U.S. postage and U.S.P.S. tracking number 9114 9023 0722 4293 0820 13, handed to Ms. J. Wheeler of the FCI Terre Haute CMU unit team while acting in her official capacity as an agent of the instant defendants on Thursday, February 20th, 2020, or the first opportunity thereafter,

by:


Martin S. Gottesfeld, pro se
Reg. No.: 12982-104
Federal Correctional Institution
P.O. Box 33
Terre Haute, IN 47808

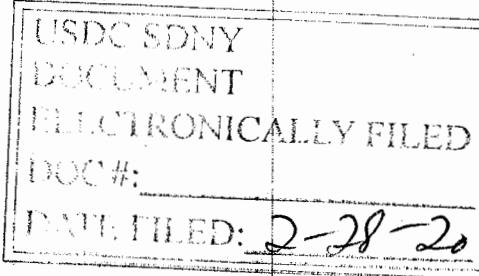


Exhibit 1Declaration of Martin S. Gottesfeld:

I, Martin S. Gottesfeld, declare that the following is true and correct under the penalty of perjury under the laws of The United States pursuant to 28 U.S.C. § 1746(1), Fed. R. Evid. 201(c)(2), Fed. R. Evid. 801(d)(2)(B-E) on this 20th day of February, 2020:

1. I am Martin S. Gottesfeld and I am the sole plaintiff in the case of Gottesfeld v. Hurwitz, et al.; 18-cv-10836-PGG-GWG (herein "the case"); currently pending before The Honorable U.S. District Court for The Southern District of New York (herein "The Court").
2. On or about Monday, February 16th, 2020, the only photocopy machine to which I have access to make photocopies of my court filings broke down due to lack of proper maintenance by the defendants in the case and their agents, as it has done repeatedly.
3. On or about Tuesday, February 17th, 2020, an agent of the defendants took one of the typewriters out of the FCI Terre Haute CMU law library because it too broke down from lack of proper care and maintenance.
4. By Tuesday, February 17th, 2020, another typewriter was already missing from the FCI Terre Haute CMU law library, presumably out for repairs after also breaking down from lack of proper maintenance. This typewriter had been missing since before I left the SHU in the final week of January, 2020.
5. Agent of the defendants in the case and warden of the FCI Terre Haute Mr. Brian Lammer is required under 28 C.F.R. § 543.11(b) to repair whatever breaks in the law library but he has not done so.
6. Mr. Brian Lammer is also required to allow me as a CMU prisoner to use a typewriter to prepare my legal documents pursuant to 28 C.F.R. § 543.11(h), but he completely banned me from any and all typewriter use from Monday, December 9th, 2019, through my release from the SHU in the last week of January, 2020, and he now greatly limits my typewriter use by failing to fix two (2) of the three (3) typewriters in my unit, which is one of the most active from a litigation perspective in the entire FBOP system.
7. On Tuesday, February 17th, 2020, agent of the defendants in the case Ms. J. Wheeler stated that she and the unit team would not make legal photocopies of court filings unless there was an imminent court deadline demonstrated to her.
8. There are, however, time-sensitive filings that I would like to make in the case for which I cannot show an imminent court deadline, and indeed I was working on exactly such a filing when the second typewriter was taken and the copy machine broke down, specifically a NOTICE OF ARBITRARY AND CAPRICIOUS POLICY ENFORCEMENT, which will now be indefinitely delayed as a result of the breakdowns and new photocopy policy.

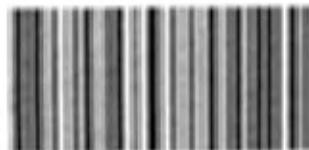
I declare that the foregoing is true and correct under the penalty of perjury under the laws of The United States. Executed on this twentieth (20th) day of February, 2020.

by: 
Martin S. Gottesfeld

12982-104
Correctional Institution
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500 Pearl ST
NEW YORK, NY 10007
United States

Thursday, February 20th, 2020; Houston v. Lack, 487 U.S. 266 (1988)

